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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,393	09/24/2003	Frank Tsai	USP2075C/SH15-BB2	4247
30265	7590	07/07/2005	EXAMINER	
RAYMOND Y. CHAN 108 N. YNEZ AVE., SUITE 128 MONTEREY PARK, CA 91754			AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,393	Applicant(s) TSAI, FRANK	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This is a first action on the merits of application SN 10/671,393.

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Specification

2. The disclosure is objected to because of the following informalities:
- a. On page 1, the word "economy" should be replaced with "economic".
 - b. On page 1, the phrase "of stiffness material" should be reworded as "of a stiff material".
 - c. On page 10, the phrase "It embodiments" should be replaced with "The embodiments".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 8,9,15, and 17 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S Patent 3,416,468 to Peterson. Peterson '468 discloses tabletop (20) with two side runners (21,22). A mid runner (71) is parallel with the side runners (21,22). A pair of leg assemblies (23,24) includes folding frame members (88,89) that are pivotally connected to the mid runner (71) and the leg frames (56) such that the folding frame members (88,89) keep the table in the unfolded position. A transverse member (58) of the leg frame (56) is Rotatably extended to the side runners (21,22). The mid runner (71) couples with the transverse member (58) of the leg frames (56) and is held to the two ends of mid runner (71) through a c-shaped frame holder (76) so that the leg frames (56) can rotate with respect to the mid runner (71). The mid-runner (71) is parallel to the side runners (21,22) and is attached to the table via screws (81).

3. Claims 1,5,8,10, and15-18 are rejected under 35 U.S.C. 102(a,e) as being clearly anticipated by U.S. Patent 6,615,743 to Nien. Nien '743 discloses a folding table (10). The two side runners (21,22) are attached to underneath of the table (10) so that the lips of the table (10) help support the runner as seen in figure 2. A mid-runner (26) is directly and securely mounted to the table (10) so that it is parallel between the side runners (21,22). A pair of leg assemblies (30,23,40,24) has a leg frame (30,40) and a transverse member (23,24) that is transversely and pivotally mounted between the side runners (21, 22). A folding frame (50,60) is attached to mid-runner (26) and to leg frames (30,40) so that when the folding frame (50,60) is unfolded the legs (30,40) are perpendicular to the table (10) as seen in figure 2. The folding frame (50,60) has a leg-coupling end (52,53,62,63), which is pivotally attached to the leg frame (30,40) at one end and at the other is pivotally attached to a table-coupling end (51,61). The table-coupling end is attached to the mid-runner through pivot joint (55,65).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,416,468 to Peterson in view of U.S. Patent 6,058,853 to Pinch. Peterson '468 discloses every element as described above. Peterson '468 does not disclose expressly the table constructed of two panels that fold on each other via pivot hinges at the mid-portion of each of the runners. Pinch '853 discloses a folding table (30) that includes pivot hinges (166,168) that attach to the side runners (156), which allow the table sections (34,36) to fold in an overlapped manner as seen in figure 3. Pinch '853 does not disclose a pivot hinge on the mid-runner, though it can be the same hinge as used on the side runners and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Peterson '468 and make it fold like the table of Pinch '853 to make it easier to carry and be stored in a smaller space.

6. Claims 6, 7, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 3,416,468 to Peterson in view of U.S. Patent 6,615,743 to Nien. Peterson '468 discloses every element as described above. Peterson '468 does not disclose expressly the folding frame having a leg-coupling end pivotally coupled to the leg frame and to a table-coupling end, which is selectively coupled to the mid runner. Nien '743 discloses a folding table (10). A folding frame (50,60) is attached to mid-runner (26) and to leg frames (30,40) so that when the folding frame (50,60) is unfolded the legs (30,40) are perpendicular to the table (10) as seen in figure 2. The folding

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frame (50,60) has a leg-coupling end (52,53,62,63), which is pivotally attached to the leg frame (30,40) at one end and at the other is pivotally attached to a table-coupling end (51,61). The table-coupling end is attached to the mid-runner through pivot joint (55,65). At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Peterson '468 and add the folding frame of Nien '743 to make a stronger folding frame.

7. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterson '468 in view of Nien '743 as applied to claims 6,7, and 11 above, and further in view of U.S Patent 6,058,853 to Pinch. Peterson '468 modified by Nien '743 discloses every element as described above. Peterson '468 in view of Nien '743 does not disclose expressly the table constructed of two panels that fold on each other via pivot hinges at the mid-portion of each of the runners. Pinch '853 discloses a folding table (30) that includes pivot hinges (166,168) that attach to the side runners (156), which allow the table sections (34,36) to fold in an overlapped manner as seen in figure 3. Pinch '853 does not disclose a pivot hinge on the mid-runner, though it can be the same hinge as used on the side runners and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Peterson '468 in view of Nien '743 and make it fold like the table of Pinch '853 to make it easier to carry and be stored in a smaller space.

8. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,615,743 to Nien in view of U.S. Patent 6,058,853 to Pinch. Nien '743 discloses every element as described above. Nien '743 does not disclose expressly the table constructed of two panels that fold on each other via pivot hinges at the mid-portion of each of the runners. Pinch '853 discloses a folding table (30) that includes pivot hinges (166,168) that attach to the side runners (156), which allow the table sections (34,36) to fold in an overlapped manner as seen in figure 3. Pinch '853 does not disclose a pivot hinge on the mid-runner, though it can be the same hinge as used on the side runners and it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. At the time of the invention it would have been obvious for a person of ordinary skill in the art to take the table of Nien '743 and make it fold like the table of Pinch '853 to make it easier to carry and be stored in a smaller space.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 2,474,450 to Woodruff discloses a folding table that has a mid-runner to guide the folding legs. U.S. Patent 2,643,926 to Pucci discloses a table with two mid-runners and folding legs, which also folds in half at the mid portion. U.S. Patent 2,747,957 to Lencioni discloses a folding table that has a mid-runner and a

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folding frame that attaches to the legs. The table also folds at the mid-portion into two halves. U.S. Patent 2,784,042 to Clapper discloses a folding table with a mid-runner support member. U.S. Patent 4,951,576 to Cobos discloses a folding table that uses a plastic sandwiched framework to strengthen the table. U.S. Patent 5,217,125 to Swanson discloses a collapsible rack that uses a mid-runner member and folding legs. U.S. Patent 5,662,298 to Collins discloses a table with a single runner and folding legs. U.S. Patent 5,732,637 to Raab discloses a folding table with structural cross members and folding frame member on the legs. U.S. Patent 5,957,061 to Chang discloses a hinge for a banquet table to fold the table at the mid-portion. U.S. Patent 6,431,092 to Stanford discloses a plastic table with folding legs. U.S. Patent 6,752,091 to Glover discloses a plastic folding table that folds at the mid portion and has folding legs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-FRI 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA

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